



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/800,274	03/12/2004	J. Stuart Cumming	13533.4041

34313

ORRICK, HERRINGTON & SUTCLIFFE, LLP
 4 PARK PLAZA
 SUITE 1600
 IRVINE, CA 92614-2558



CONFIRMATION NO. 1320

FORMALITIES LETTER



OC000000012820982

Date Mailed: 06/01/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

03/05/2004 AWONDAF1 00000032 150665 10800274

03 FC:2051 65.00 DA

*A copy of this notice **MUST** be returned with the reply.*

A handwritten signature in black ink, appearing to read 'Stephen Lee', is written over a horizontal line.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/800,274 Confirmation No.: 1320
Applicant : J. STUART CUMMING
Filing Date : March 12, 2004
Title : LENS FOR INCREASED DEPTH OF FOCUS
Group Art Unit : 3738
Examiner : not yet assigned
Docket No. : 13533.4041
Customer No. : 34313

Mail Stop Missing Parts
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF MISSING PARTS

Sir:

1. DOCUMENTS ENCLOSED:

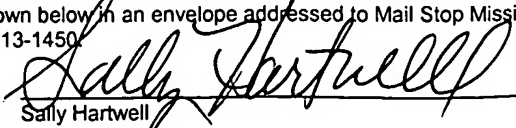
In response to the **NOTICE TO FILE MISSING PARTS OF APPLICATION**
UNDER 37 CFR § 1.53(f), which was mailed by the Patent Office on June 1, 2004,
enclosed are:

- ☒ Declaration
- ☒ Power of Attorney: ☒ Separate or ☐ Combined with Declaration
- ☒ Assignment of the invention to eyeonics, inc. (together with PTO Form 1595)
- ☐ Statement Under 37 CFR § 3.73(b)
- ☐ Formal Drawings (____ pgs)
- ☒ A copy of the Notice to File Missing Parts of Application under 37 CFR § 1.53(f)

CERTIFICATE OF MAILING
37 CFR §1.8

I hereby certify, pursuant to 37 CFR §1.8, that I have reasonable basis to expect that that this paper or fee (along with any referred to as being attached or enclosed) would be mailed or transmitted on or before the date indicated with the United States Postal Service with sufficient postage as first class mail on the date shown below in an envelope addressed to Mail Stop Missing Parts, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: July 29, 2004


Sally Hartwell

DOCSOC1:153323.1

Applicant : J. Stuart Cumming
 Appl. No. : 10/800,274
 Examiner : not yet assigned
 Docket No. : 13533.4041

2. REQUEST FOR EXTENSION OF TIME:

The proceedings herein are for a patent application and the provisions of 37 CFR § 1.136 apply.

- ☐ Applicant(s) petitions for an extension of time under 37 CFR § 1.136 [fees: 37 CFR § 1.17(a)(1)-(5)] for the total number of months checked below:

EXTENSION (months)	FEE FOR SMALL ENTITY	FEE FOR OTHER THAN SMALL ENTITY
<input type="checkbox"/> one month	\$55.00	\$110.00
<input type="checkbox"/> two months	\$210.00	\$420.00
<input type="checkbox"/> three months	\$475.00	\$950.00
<input type="checkbox"/> four months	\$740.00	\$1,480.00
<input type="checkbox"/> five months	\$1,005.00	\$2,010.00

Fee 0.00

- ☒ If any extension fee is required, please consider this a petition therefor.

3. FILING FEES

- ☐ Applicant claims small entity status pursuant to 37 CFR 1.27.

BASIC FILING FEE:						0.00
Total Claims	20	-	20	=	0	x \$18.00 \$0.00
Independent Claims	2	-	3	=	0	x \$86.00 \$0.00
Multiple Dependent Claims	\$290	(if applicable)	<input type="checkbox"/>			\$0.00
Surcharge 37 CFR § 1.16(e)	\$130	(if applicable)	<input checked="" type="checkbox"/>			\$130.00
TOTAL OF ABOVE CALCULATIONS						\$0.00
Reduction by ½ for Filing by Small Entity. Note 37 CFR §§ 1.9, 1.27, 1.28. <input checked="" type="checkbox"/>						\$65.00
Extension of Time (from above)						\$0.00
Assignment -- \$40 (if applicable) <input type="checkbox"/>						40.00
TOTAL FEES SUBMITTED HEREWITH						\$105.00

Applicant : J. Stuart Cumming
Appl. No. : 10/800,274
Examiner : not yet assigned
Docket No. : 13533.4041

4. Method of Payment of fees:

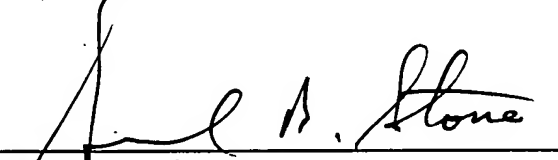
- ☐ A check in the amount of \$_____ is enclosed to cover the above fee(s).
- ☒ Charge Orrick's Deposit Account No. **15-0665** in the amount of **\$105.00**.
- ☒ The Commissioner is authorized to charge Orrick's Deposit Account No. **15-0665** for any fees required under 37 CFR §§ 1.16, 1.17 and 1.445 that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayments to said Deposit Account No. **15-0665**.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: July 29, 2004

By: _____


Samuel B. Stone
Reg. No. 19,297

Orrick, Herrington & Sutcliffe LLP
4 Park Plaza, Suite 1600
Irvine, CA 92614-2558
Tel. 949-567-6700
Fax: 949-567-6710
Customer Number: 34313